

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND

House Joint Resolution No. 94*

by deleting all language after the caption and substituting:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRTEENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article I, Section 35 of the Constitution of Tennessee be amended by deleting the section in its entirety and substituting the following:

Section 35. That to preserve and protect the rights of victims of crime to justice and due process throughout the criminal and juvenile justice systems, a victim, as defined by law and which may be expanded by the General Assembly, shall have the following rights, which shall be protected:

- (1) The right to be treated with fairness for the victim's safety and dignity;
- (2) The right, upon request, to reasonable notice of all public criminal proceedings and all public juvenile delinquency proceedings involving the accused;
- (3) The right to be present at all public criminal proceedings and all public juvenile delinquency proceedings involving the accused;
- (4) The right upon request to be heard in any proceeding involving release, plea, sentencing, disposition, and parole, as well as any public proceeding when relevant during which a right of the victim is implicated;



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(5) The right to be heard and informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender;

(6) The right to be free from harassment, intimidation, and abuse throughout the criminal justice system, including reasonable protection, as defined by the General Assembly, from the accused or any person acting on behalf of the accused;

(7) The right, upon request, to reasonable notice of any release, transfer, or escape of the accused or convicted person;

(8) The right to full and timely restitution from the offender;

(9) The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence;

(10) The right to be informed of the minimum sentence the offender will serve in custody and the scheduled release date;

(11) The right to have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made;

(12) The right, upon request, to confer with the prosecution; and

(13) The right to be fully informed of all rights afforded to crime victims.

A victim may assert the rights enumerated in this section, not as a party, but in the manner further provided by the General Assembly protecting the victim's right to standing. The General Assembly has the authority to enact substantive and procedural laws to further define, implement, preserve, and protect the rights guaranteed to victims by this section. This section must be interpreted to preserve and protect the rights of all persons to due process. This section, or any law enacted under this section, does not

create a basis for vacating a conviction. This section does not restrict the powers of the District Attorney General or the inherent authority of the court.

Other than as provided in the preceding paragraph, this section does not create a cause of action or claim for damages against the state or a political subdivision of the state; an officer, employee, or agent of the state or of any of its political subdivisions; or an officer or employee of the court.

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Fourteenth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee by posting such amendment on the official website of the Secretary of State and on the official website of the General Assembly.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is directed to deliver copies of this resolution to the Secretary of State, with this final resolving clause being deleted from such copies.

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AMEND Senate Bill No. 654

House Bill No. 554*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) Each district attorney general shall designate at least one (1) person currently employed within the judicial district as an assistant district attorney general as the lead prosecuting attorney for the judicial district in cases involving crimes committed against children.

(b) The district attorney general for each judicial district shall designate an assistant district attorney general, or other staff members as may be appropriate, to attend annual training on the investigation of crimes against children provided by the Tennessee bureau of investigation and the Tennessee district attorneys general conference.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) The Tennessee bureau of investigation, in conjunction with the Tennessee district attorneys general conference, shall implement a course or courses of instruction, composed of live instruction, telecommunication, video, or other medium, or any combination of methods, for the annual training of assistant district attorneys general and other staff members in the prosecution of crimes committed against children.

(b) The course or courses of instruction must emphasize:

(1) The dynamics of investigating crimes committed against children;



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(2) Appropriate investigative and communication techniques for crimes committed against children; and

(3) Protection of victims.

SECTION 3. This act is not an appropriation of funds, and funds must not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

House Criminal Justice Subcommittee Am. # 1

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AMEND Senate Bill No. 435*

House Bill No. 722

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-211(b), is amended by deleting the language "Class C felony" and substituting instead the language "Class B felony".

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to offenses committed on or after that date.



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